3:Westermann E-6 (1910) 1918 F223 Ba2Bab F223

right to the throne. If all the sons of a king die, before it is the turn of one of them to become king, that family loses its royal prerogatives. A left-handed or otherwise deformed man cannot be crowned. When from such or a similar reason the son of a king fails to be crowned, his posterity loses the right to the throne.

As a rule only a man can be king; though once a queen reigned, she apparently did not command a great authority, vide page 149; and it is characteristic that in the lists given by Bastholm and Dr. Gibbs her name is not mentioned.

The way in which the king is elected, vide pages 110 ff. Of course frequently party intrigues are at work on these occasions, and it may have been not quite an uncommon occurrence that there were several candidates for the throne, supported by different factions; sometimes there were even two kings, residing in different places of the country.

The power of the king was, previous to the British occupation, absolute; he disposed on life and death of his subjects. The subjects had to pay heavy taxes in cattle, skins, boats, skins for clothes, and under certain circumstances, to persons also.

All judicial cases may be brought before the king, with whom lies the final decision. They have no unwritten code of law, providing fixed penalties and fines. Cattle thieves were formerly killed on the spot by the owner of the stolen property. If the thief escaped, but was bound with the stolen thing, the owner demanded it. In case the thief refused to give it up and the owner was unable to get it by force, he then reported to his chief, and if he failed there, the matter went to the king, who punished the case perhaps by taking his property and some girls from his village for himself.

In the case of certain infractions of the law the convict becomes the slave of the king, and could no more return to his home. These slaves are known as *ngai orpi* ("man of crime") or *adjoy*. The king gives to each a man a wife. Their children are slaves of the royal court and are called *adjoy*. To the male descendants of such the king gives wives, and the females are taken to be given to male members of the *adjoy* class as wives. If the king does not have enough girls in the *adjoy* class to supply all the young men with wives, he buys free girls for the purpose, their descendants become also slaves.

In some cases the criminal becomes the slave of a chief; these are also called *adjoy*.

Murder cases were tried by a court of chiefs and the king. If the case was condemned, he was disposed in many ways before the people. Sometimes he was led about the village with a rope-rope around his neck, and then executed by hanging. If a case was executed on account of a crime, his whole family

3:Westermann E-5 (1910) 1912 F323 Shilluk F323

and everything he possessed became the property of the king.

DIVISION OF THE COUNTRY

The country is divided into 63 districts (vide page 107), every one of which is presided by a *district chief*; each village again has its own chief. The district and village chiefs are appointed and may be deposed by the king. Quarrels and law-suits may be judged by the local or district chief, but an appeal to the king is always possible. Common affairs of a village and minor judicial cases are judged by the local chief together with the old men of the village. They sit on such occasions in a circle in the village yard, in the shade of a tree, if there is one. If the morning is cool, or if the weather is bad, they assemble in the new house.

VI. ETHNICAL COMPONENTS OF THE SHILLUK PEOPLE.

EARLY INHABITANTS OF THE COUNTRY

When Nyikang arrived in what is now the Shilluk country, the latter was inhabited by other tribes, who probably were partly of dark, and partly of fair colour. These inhabitants were either expelled or subdued and then incorporated into the Shilluk nation. This process is closely reflected in the traditions. Among others Nyikang found the "red strangers" in the country, which he either dethroned and made them tributary, or drove out of their residences (vide page 163ff). These "red strangers" seem to be Arabs. But apart from them the traditions speak of fabulous beings who were partly men and partly animal; Nyikang fought with them, and when dethroned, transformed them into real men and settled them in villages. They are probably the original negro inhabitants of the present Shilluk country, who up to this day form the essential part of the Shilluk people, a discrimination being made between them and the "people of Nyikang."

SOCIAL ORGANISATION

The latter form, so to say, a nobility. The first in rank is the royal family and all members of it, that is all persons who can claim descendancy from Nyikang. The male members of the royal family bear the title *Kwa rij* "descendant of the king", and are shown special deference. In several of the historical traditions the king or the royal family expressly distinguish themselves from the common Shilluks; in these connections the name "Shilluk" is even used in an abusive way: "merely a Shilluk", vide page 233. Probably the name of the Shilluks chiefly means "black"; in some nearly related languages the word has this meaning. This makes it probable that Nyikang and his people, or, the members of the royal family, were originally of lighter colour, as only this would give them a reason for calling the population they found inhabiting the country, "blacks".

when a man dies, and he has children, his property
is taken by the eldest

4 539 928 578 580 626 one; the younger son (or sons) remains without anything. All the cattle too are taken by the eldest son; and if the eldest son is good, he divides the cattle between himself and his brothers, but if he is bad, he keeps all the cattle for himself. In this case they fight, and the cattle is taken away (by force) by the younger brother (or brothers). But then all the people come, and they talk about the matter, and they say (to the younger brothers) thus: "Why, your elder brother, he refused to give you cattle, and now you want to keep it all? What for? If later on any debts (which your father may have contracted or which may fall on you) appear, you being his sole heir, will have to pay all; so the people divide the cattle; the elder brother gets his part, and the younger one gets his part. After that they again hold a big palaver, and they make friends; water is poured on the ground, and so they are reconciled. The eldest son gets many cows (or property), because he is the chief of the family, the younger one does not get so much. And if afterwards any debts are to be paid, the elder one will pay them, the younger remaining free. The younger brothers marries a wife with his cattle; that is all, thus the matter is settled.

4 539 587 784 641 The wives of the dead man are treated (dress with) thus: the elder brother of the dead man comes and takes one, and the younger brother also comes and takes one.[1] And if they beget children from these wives, they belong to the family of the dead man; they are (like) his (own) children (they live in the house of the elder brother.) The eldest wife of the deceased, the mother of the children, remains with the eldest brother. — So is it exactly.

18. Murder.

4 539 *Ebo lipé, gwóló, ɛ bó wíé, ko lél, ko chélé lél), ko dwo gwí ɔ wíé), ko bíz bɛ kwéy: yé wɔ́ɔ gbɛ ɔ wɔ?! Kí bál gbɛ́, ko tjɛ́y bíz wíé, ko tjɛ́ɛ́ ɔ mɔ́ɔ lɛ́jɛ́ bɛ́ gbɛ́ jwɔ, gɛ́ kɔ́n. Ko tjɛ́lɛ́ lɛ́jɛ́, lɛ́ɛ́ wíz; ko fwɔ́ gɛ́ɔ, gɛ́ɛ́ɔ wɔ́ɔ, ko lɛ́ɛ́ lél. Ko tjɛ́y lɛ́jɛ́, gbɛ́ ɔ lél fíjɛ́ Jɛ́ɛ́. Ko wí ɛ́ gbɛ́ lɛ́ɛ́ɔ wíz, kí gbɛ́ dɛ́ɛ́. Ko gbɛ́ ɛ́ɛ́ɛ́ɛ́ gɛ́ɔ́ yí jɛ́ɛ́ɛ́, ko wɔ́jɛ́ wíz, ko wíz ɛ wɔ́ɛ́, kí ɔ kɔ́: kɛ́, chél! Ko tjɛ́y chɛ́ɛ́, ko mɔ́ɔ ɛ kɛ́ɛ́ɛ́ gwɔ́, ko mɔ́ɔ ɛ kɛ́ɛ́ɛ́ gwɔ́, ko gbɛ́ ɛ tɛ́ɛ́, gɛ́ ɛ́ɛ́ɛ́ɛ́. Ko chɛ́ɛ́ wɔ́ɛ́, ko ɛ lɛ́ɛ́ɛ́, kɔ́: bíz yí jɛ́ɛ́ɛ́, kɛ́ɛ́ɛ́: kwɛ́ɛ́ lɛ́ɛ́ɛ́ dí? Kɛ́ɛ́ɛ́: kwɛ́ɛ́ á ɛ́ɛ́ɛ́. Ko gbɛ́ lɛ́l, ko gɛ́ tɛ́ɛ́ɛ́, ko gɛ́ wɔ́ɛ́ɛ́ bɛ́ dɛ́ɛ́ɛ́, wɔ́ɛ́ kwɔ́ɔ́ɔ́ tɛ́ɛ́ɛ́ wíz. Ko tɛ́ɛ́ɛ́ wíz yɛ́ɛ́ɛ́ɛ́, kɛ́ɛ́ɛ́: gbɛ́ ɛ́ɛ́ɛ́! Ko wɔ́ɛ́ɛ́ bɛ́ gbɛ́ɛ́ wɔ́ɛ́ɛ́, ko gbɛ́ lɛ́l, ko tɛ́ɛ́ɛ́ wíz ɛ lɛ́ɛ́ɛ́, kɛ́ɛ́ɛ́ Fwɔ́ɔ́ɔ́ɔ́ bɛ́ tɛ́ɛ́ɛ́ gbɛ́, tɛ́ɛ́ɛ́ gbɛ́ɛ́ gbɛ́ɛ́ gbɛ́ ɛ́ɛ́ɛ́ɛ́. Ko wíz kɛ́ɛ́ɛ́ gbɛ́ ɛ́ɛ́ɛ́ɛ́, wɔ́ɛ́ ɛ́ɛ́ɛ́ɛ́ yɔ́ɔ́ɔ́ ɛ́ɛ́ɛ́ gɛ́ɛ́.

4 539 682 A man hides in an ambush; when he perceives his adversary, he comes out and stabs him, and he stabs him a second time. Then this man (the murderer) runs away home, and comes to tell the people of his village: "I have killed a man last night." Then the drum is beaten, the people come out from their houses, and

[1] The sons marry their father's wives, but not their own mother.

3:Westermann E-5 (1910) 1912 F323 Shilluk F323

the women start to carry the valuable things away and hide them; the cattle are driven into the Dinka-country. Now a company of warriors comes, the "army of the king"; they rob the village, all the fowls are seized, and the dura is carried away by them. When the "army of the king" turns back, they bring the cattle back from the Dinka-country. Two cows are harnessed by the chief, and are given to the king. But the king is angry, he says: "Go, and pay (greater) amends!" Then the people pay; one gives a cow, and another one also gives a cow, till there are ten; then the cows are brought to one place. Now an ambassador from the king comes, he comes to the chief, and asks: "How is the matter?" The chief answers: "The matter is settled." The cows are brought and shown to the ambassador for examination. And besides they give some money to the ambassador and to the other people of the king (who have come with him), to please them. The people of the king take them, saying: "The matter of the man is bad! (that is: the gifts are not sufficient)". Now another cow is killed (and given to the ambassadors of the king). After that the cows (the ten cows mentioned above) are brought, and the people of the king go to Fashoda (with the cows), together with the family of the murdered man. The family of the man who has been murdered, receive five cows. The king gives them five cows and an ox, as a mourning (a mourning-feast) for their dead relative.

19. Blood Revenge.

Jal mijiŋ, jal Mɔŋɔŋ, jal mɛkɛlɛk, ka ŋɛlɛ yi rɛ̈ Yo. Ka tyɛ̈ɛ̈ ŋɛn ɛ ŋwɔ̈ɔ̈. Ka ji ni, kɛ yi ɟiŋ kɔɔt, ka yɛ ni mɛŋ, ka yɛ ŋkɛ̈ɛ̈ ŋɛ̈ɛ̈, ka ji ɛ kɛ̈ɛ̈ ŋyɔɔr ɛbi-kɛ̈ɛ̈l, ka ŋɛlɛ ɟɛŋ, ka yɛ dɔŋɛ̈; ka yɛ ruŋ dɔŋɛ̈, ka yɛ tyɛ̈ɛ̈; ka yɛ ruŋɔ tyɛ̈ɛ̈, ka kɛ̈l kɛ̈l ŋɛ̈ɛ̈, ka ɟiŋ kɛ̈l, ka ŋɛ̈ɛ̈, ŋɛn yɛɛ kɛ̈l; ka kɛ̈l tɛ̈ɛ̈ ŋɛ̈ɛ̈ kɛ̈ kɔr, ka kɛ̈l tɛ̈ɛ̈ ŋɛ̈ɛ̈, ka ɟiŋɛ̈ kɛ̈l, ka ŋɛ̈ɛ̈; ka ɟwɔɔyɛ ɟwɔ̈ɔ̈, ka ŋyɔɔr ɛbi kɛ̈ɛ̈l kɛ̈l wɔ̈ɔ̈, ka yɛ wɔ̈ɔ̈. (kɛn) ɟiŋ ɛ ŋɛ̈ɛ̈ yi rɛ̈. Kɔ gɛi ɛnɛn, ka Chɔl ɛ kuɔɔŋ kɔɔn.

A certain man, a man of Mɔŋɔŋ, a very good man, was killed by king Yo. His relations mourned for him. — At that time people (Shilluks) used to run away from the country of the whites (i. e. Arabs), those were caught by the relations of the dead one, they were all put into a house, and when they numbered sixty, then beer was brewed, and it was mixed with flour; when they had finished mixing it, they sifted it; when they had finished sifting it, a drum was brought out, and one man was brought, and was killed; he was the one for beating the drum. Early next morning the drum was put into the house; when they had put the drum into the house, again a man was brought out and killed; and he was mourned. Thus all the sixty men were brought out and killed, in the place of the one man who had been killed by the king. That was the reason why the Shilluks were much afraid.

3:Westermann E-S (1910) 1912 F223 Shilluk F223

A certain man, a prince, whose name was Bùk Dè Jàk Bùìn Dèŋyìnɔ, carried on a law-suit. Bùk was a good man; he had a slave, whose name was Oshaŋgɔ. He carried on the law-suit with Ayìk, in the court of king Nyakwaciŋ. And his servant ran in front of him (or: came instead of him, viz. of his master), and was stabbed by Ayìk with a spear, so that he died. (As a punishment for this misdeed) the village Ogwɔ̀ŋɔ (which was the village of Ayìk) was destroyed by the king; the children (of the village, or of Ayìk) were caught, and Ayìk was brought (banished) to Dɔmaŋ.

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33. A killed Crocodile is the Property of the Magistrate.

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*Kɔ̀ɛ̀ nwɔ̀k nɔmɔ, ke ŋɔ̀ŋ kɔ̀ɲɔ̀', ke ŋɔ̀ŋ nɔ́nɔ́ɲ̀ ɲɔ̀t, ke kɔ̀l nɔ́ɔ́ ɲɔ̀m, ke nwɔ̀k ɔ kɔ̀ŋɔ, ke kɔ̀l wɔ̀ɲɔ̀ɔ kɔ́ nwɔ̀k, ke jì tɔ̀ɔ̀ɲ, ke jì nɔ́ɔ́ŋɔ. Kɔ́ wɔ̀ɔ̀ nɔ́, ke wɔ̀ɔ̀ɔ kɔ̀ŋɔ, ke ŋɔ̀ŋ wɔ̀ɲɔ̀ɔ, ke nwɔ̀k ke kɔ̀l, ke ɔ nwɔ̀ɲ̀ kɔ́ ɟɔ̀ɲɔ̀. Kɔ́ ŋɔ̀ŋ ɔ́ɔ́ɔ́ wɔ̀k, ke ɲɔ̀ɔ̀ ɟɔ̀l ɔ ɟɔ̀ɲɔ, ke ɟɔ̀ɲɔ̀ kɔ̀l ɲɔ́ wɔ̀k, ke nwɔ̀k nɔ́ɔ́l. Kɔ́ ŋɔ̀ŋ tɔ̀ wɔ̀k, ke ɟɔ̀ɔ̀l kɔ̀ŋɔ, ke ɲɔ́ ɲɔ̀ɔ̀ɲɔ̀: nwɔ̀ɲ ɔ ɟwɔ̀ɲɔ̀ nɔ́? Kɔ̀ɲɔ: ɔ nɔ́ɔ́! Kɔ̀ɲɔ: ɔ̀ɲ ɔ ɲɔ ke? Kɔ̀ɲɔ: wɔ̀t. Yɔ̀k! Kɔ́ ɲɔ̀k. Kɔ́ ɔ ke: nɔ́ɔ́l, ke ɲɔ́ kɔ̀ɲɔ. Kɔ́ kɔ̀ɲɔ ɲɔ̀k kɔ̀ɲɔ. ke ŋɔ̀ŋ kɔ̀ɲɔ̀ nɔ́ɔ́, ke nwɔ̀ɲ ɟɔ̀l ɲɔ́ ɟɔ̀ɲɔ, nwɔ̀ɲ kɔ̀ɲɔ. Kɔ́ ɔ nwɔ̀ɲɔ̀ ɟɔ, ke ɟɔ̀ɔ̀l nwɔ̀ɲ, ke ɔ nɔ́ɔ́ɲ; ŋɔ̀ŋ ke: ɔ, nwɔ̀ɲ ɔɔ ɔ́ɔ́ɔ́. Ŋwɔ̀ɲ wɔ̀ɲɔ̀ ke nwɔ̀ɲ wɔ̀ɲɔ̀ kwɔ̀ɔ̀ɲ, ke nɔ́ɔ́ɔ́ ɲɔ́ ŋɔ̀ŋ ɲɔ́ɔ.

Kɔ́ ɟɔ̀ɲɔ ɔ nwɔ̀ɲɔ̀, ke ŋɔ̀ŋ kɔ̀ɲɔ, ke ɔ ɲɔ̀ɲɔ̀ kɔ̀ɲɔ: ɔɔɔɔ ɲɔ́ ɟɔ̀ɔ̀, ɲɔ ɲɔ́ɔ́ɔ ɲɔ̀ɲɔ̀ɔ, ɲɔ́ kwɔ̀ɔ́ɔ́ kɔ́ ɲɔ́ɲ ɔɔɔ kɔ́; kɔ̀ɲɔ: ɛ́ ɲɔ́ɔ ɛ́ɛ́ɲ? Yɔ ɲɔ́ɔ́ kwɔ̀ɔ̀l. Kɔ̀ɲɔ: ɛ́, kɔ́ɔ́kɔ́ ɔɔ́ɔ́! Kɔ̀ɲɔ: ɛ́, ɟɔ̀ɲ ɔɔ́ɔ́ ɔ nɔ́ɔ́. kɔ́ ɲɔ́ɲ ɔɔ́ɔ́? Kɔ̀ɲɔ: ɛ́, ɔ nɔ́ɔ́ŋɔ, ɔɔɔɔ́ ɔɔ́ɔ́ ɲɔ́ɲɔ. Kɔ̀ɲɔ: ɛ́, ɛ́ɛ́ɛ́! Kɔ́ ɔ kwɔ̀ɔ̀ɲ, kɔ̀ɲɔ: ɲɔ́ kɔ́ ɔ́ɔ́ɔ́ɲ. Kɔ̀ɲɔ: ɛ́, ɔɔ kɔ́ ɓɔ́ɔ́ɔ́ɔ́ɲ. Kɔ̀ɲɔ: ɛ́, ɔɔ kɔ̀ɲɔ̀.

Kɔ́ ɲɔ́ kɔ̀ɲɔ̀, kɔ́ ɲɔ́ wɔ̀ɲɔ̀ ɓɔ́ɔ́ɔ́ɔ́ɲ, kɔ́ ɲɔ́ ɟɔ̀ɔ̀ɲɔ̀, kɔ̀ɲɔ: ɔɔɔɔ (ɔɔɔ), ɲɔ́ ɟɔ̀ɔ̀ɔ̀ ɲɔ́ kwɔ̀ɲɔ́ ɔɔɔɔ́; kwɔ̀ɔ̀ɲ ɔ ɔɔɔɔɔ́ ɲɔ́, kwɔ̀ɲɔ̀ kɔ̀ɲɔ. Kɔ̀ɲɔ: ɛ́, ɲɔ́ ɔɔɔɔɔ ɛ́ɲ, ɔɔɔɔ? Kɔ̀ɲɔ: ɔɔɔɔ, kɔ́ɔ́kɔ́ ɲɔ́ɔ. Kɔ̀ɲ ɔ kɔ: ɲɔ́ɲ, (ɔɔɛ́), kɔ̀ɲ ɔɔɔ́ kɔ́ ɟɔ̀ɔ́ ɲɔ́ ɲɔ̀ɔ̀ɲɔ̀, kɔ́ ɟɔ̀ɲɔ! Kɔ́ ɔ kɔ̀ɲɔ, kɔ́ ɔ ɔɔɔɔ́ ɟɔ̀ɔ́ ɲɔ́ ɲɔ̀ɔ̀ɲɔ̀, kɔ́ ɟɔ̀ɲɔ; kɔ́ ɲɔ́ kɔ́ɔ́ kɔ́ɔ́ ɛ́ɲ, ɔ ɟɔ̀ɔ̀ ɟɔ̀ɔ́ɔ́, kɔ́ ɲɔ́ ɔɔɔɔ.

It was at the time when the river was barred (shut up for fishing), and the people slept on the river bank, and the net was sunk down on the bottom of the river, and the fish came, and the net caught fish, and the people cooked and ate them. And when it grew morning, the fishermen came, and the people went fishing again, then a crocodile was spooured, and it seized a man; the people became afraid, and ran away, but those among them who were brave, remained; they brought the man who had been bitten by the crocodile out on the river bank. Then they killed the crocodile, and went out of the river (taking the crocodile with them). The chief came, and asked, "What about the crocodile?" They answered, "It is killed." They asked again, "But where is it?" Answer, "It is still here." The chief said, "Skin it!" And it was

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[1] "When the river was caught, and the people went".
[2] that the people might hunt.

LEGAL PROCEDURE

671 According to Hofmayr, Shilluk law "...is a law of tradition based on decisions of Nyikang and of previous kings."(1) He maintains that justice is very arbitrary and depends much on individual interpretation and custom. The settlement chief has a court to which are brought cases which the gol leaders and the headmen headmen feel unable to settle or which are too serious for them to judge. The accuser and accused appear before the settlement chief and the headmen is often called as witness, while the elders assist. In major disputes, or if the settlement chief's decision is appealed against, the matter is brought before the reth. Hofmayr further states that important cases are treated by him and his judgement is final.(2)

44 In the courts compensation is awarded for homicide and flows in cattle or girls, according to the seriousness of the offence, are imposed for disputing the reth's judgement, refusing to pay royal tribute, wounding a royal prince or princess, for theft, robbery and sexual offences. Apart from minor offences it would appear that offenders were brought to court and tried, not so much for private wrongs as for public delicts or crimes coming under the general category of breaking the reth's peace, disputing the reth's judgement, breaking the reth's and Nyikang's laws.

Information suggests that in practice in the past the reth's judicial authority was by no means undisputed. Hofmayr maintains that an order or judgement of the reth's court was executed by the reth's bodyguard, which consisted of a number of youths who followed the king everywhere. According to the same authority "blood revenge is well known among the Shilluk and feuds do exist between persons, between families and also between villages."(3) The fine for homicide is 10 head of cattle; formerly a girl was taken instead of cattle. According to both Seligman and Hofmayr, the reth kept the cattle but might give one or three cows to the family of the deceased as compensation. This practice is comparable to similar legal procedures in communities in which feuds still flourish and the central authority does not exercise very extensive political powers.

Intervention in a serious feud between two divisions probably took the form of the reth supporting one side against the other, and self-help, sometimes back by the reth's intervention, was possibly the means of obtaining compensation and settling disputes which were not willingly submitted by the two quarrelling parties to arbitration and the judgement of a court. On the other hand, a description of the settlement of a feud by Oyler suggests that the role of the reth is essentially that of peacemaker, but that his functions can only be exercised if the disputants are willing to make peace.(4) In this respect it would appear that the role of the reth is comparable to that of other ritual and peacemaking functionaries among the Nilotes, such as the leopard-skin chief of the Nuer and the Dinka spear-chiefs.

(1) Hofmayr, Die Schilluk, 1925, p.127.
(2) Ibid.
(3) Ibid., p.10.
(4) Oyler, J.A.I. 1928, Vol.III, No.3, pp.296-99.

9.Howell E'-5 (1937-1950) 1954 FJ23 Shilluk FJ23

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administration and Co
the heads of provinces
village headmen. . . .
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[631] [643] [642] [631] [642] [643] [642] [114] [631] [642]

periodic modifications, has utilized existing divisions of the native units, and has drawn its agents from the dominant lineages a hierarchy of chiefs responsible to the *reth* himself, but this in one that such a system was a reality in the past. On this subject he opinion that, 'The power of the *Reths* before the Turkish invasion was undoubtedly great. It was based partly on the semi-divinity with which as them and partly upon their great wealth in cattle and slaves. rough and large-scale fighting more prevalent than [illegible] were being seen, as previously mentioned, either by the actual *Reth* or Fashoda.' He adds in a footnote that 'The *Reth* is said to have had the privilege of killing a tiresome litigant with a club.'[1] In another Pumphrey goes further than this and says:

'It is my view that as far back as Shilluk tradition goes, there is a system of government with the *reth* at the head of it and powers descending through [illegible], whom we call Court Chiefs, to heads of sections down to the [illegible] naturally as one Chief or another attained to local prestige, he would [illegible] him, and certainly for a period the prestige of Dimmo used to [illegible] s, however, only four regular officers under the *reth*. The Chiefs of on either side of Fashoda and were his right-hand men. The Chiefs were chiefs of the murahas whose definite job it was to keep a look on. Apart from this, however, the Chiefs of the murahas were also in the two extremes of the country and used both to see cases ing to Fashoda those cases which they thought the *reth* should see. Chiefs were the Chiefs (*fuel*) i.e. holders of the *kur*.' One person [illegible] only some of them *kur* holders, for the reason that 'section' [illegible] naturally formed) contain usually several original villages and each original village.' I mean the parent village of a group of all those ough those *fuel* and through these *kur* senior officials that the Shilluk ed. The *reth* did not wear much, but had the people sent to him as [illegible] cursed, the offending lineage would have to produce a girl and a boy. ded to the brother (or most relative) of the dead man and the boy to the *reth*. If the case was not settled, or if one village were to fight most sufficient cause, the *reth* would send his army (*tuk*) to take all ding villages, or, if necessary burn their villages. This army would of the adjacent villages, its strength depending on the amount of y number of sections could be raised and it seems that the system to go, since the *reth*'s army was seldom, if ever, opposed and little bloodshed, but a certain amount of booty.'

may seem somewhat contradictory, but it is clear that he ghly efficient State system with an all-powerful *reth* at the head.

ints out that:

o-called 'provinces' were in fact more than districts or that they istrative departments before they were made into something of the sort. Moreover, though doubtless the king exercised considerable y and may have confirmed settlement chiefs in office, he did not

[1] Pumphrey, op. cit., p. [illegible] by the *reth*.

[2] *Ibid.*, order of office given

[3] Pumphrey: Unpublished records. I adopt: since 1936.

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681 682 nominate them. They were heads of settlements in virtue of their position as heads of lineages dominant in those settlements and although they had certain duties to the king it is, I think, wrong to describe them as being in any sense administrative officials. To use such terms as 'state', 'government', and 'administration' in speaking of the Shilluk political system would appear to me, in the light of what is now known of it, to be a mistake.'

My own opinion is in accordance with these views. At any rate, if such terms are used, it should be made clear that they are qualified by the considerations already mentioned. In comparison with modern conceptions of an organized State system, or with such highly developed political institutions as are found in some African kingdoms, such as that of the Baganda, the Shilluk system cannot be said to have reached, without external influences, a high degree of rigidity or efficiency. When compared, however, with the acephalous systems of their Nuer and Dinka neighbours, it is apparent that the Shilluk had, even in early times, advanced much further along the road towards 'politically organized society'.

Homicide and Blood-feud: The *Reth*'s Role as Peacemaker

671 682 A study of the laws of homicide is likely to reveal, not only the nature of the legal system and whether or not a system of public law was in existence in the past, but also whether such law was in fact enforced by the *reth* or his representatives. In an acephalous society like that of the Nuer, and probably among the Dinka as well, we know that homicide was, until the advent of the present Government, treated purely as a private delict subject to retaliatory or restitutive sanctions. Thus an act of homicide would instantly lead to a blood-feud between the two segments of society concerned. A feud could be composed either by retaliation against the person of the killer or one of his kinsmen—which might lead to yet further hostilities—or by payment of an indemnity in cattle equivalent to the life of a man, to restore the equilibrium. We know too that a special functionary existed, the *kwar kwar* or 'leopard-skin chief' of the Nuer and the *kuny de ring* or 'Chief of the Spear' of the Dinka. These experts were invited by the participants to intervene and mediate between them and to supervise both the secular and ritual processes of composition and peacemaking according to accepted and conventional patterns. In no sense did they have the authority to impose their demands for peace on the people or forcefully to intervene between them. They were called upon to do so only when the will to come to terms was already there, largely determined by expediency.

We know that among the Shilluk acts of homicide were followed by feuds, often more bloody and lasting than any likely to occur among the Dinka and Nuer. We know too that blood-feuds could be composed by the payment of compensation and the performance of the ritual which accompanies such payments. But here there is a difference. While in Dinka and Nuer society there were many recognized hereditary mediators, among the Shilluk there was only one, the *reth* himself. The functions of the *reth* in the processes of peacemaking are therefore relevant. Was he, like the *kwar kwar* and the *kuny de ring*, simply a mediator and ritual expert competent to conduct the negotiations only on the demand of the people themselves, or was he able to intervene between them with an independent and neutral force behind him? In collecting the accepted indemnity, did he hand it over to the injured party as compensa-

[1] Evans-Pritchard, op. cit., p. 14.

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tion, from which he may have deducted recognized fees for his services in the same way as the Nuer and Dinka functionaries did, or did he appropriate the cattle to himself as head of the State? Was homicide a crime against society of which the *reth* was the central representative, or was it merely a private delict? These questions are relevant and fundamental to the whole problem of the nature of Shilluk law and the position of the monarchy.

As among other Nilotic people, we are faced with the difficulty of finding out how homicide was compared before the advent of the present Government. Among the Shilluk it would really be necessary to have information dating back to a period before the advent of the Turkish régime in 1821. It is doubtful, of course, whether the Turks ever had sufficient control over the Shilluk to have any direct influence on their laws and legal procedures, but since they attempted to administer the country through the agency of the *reth*, at any rate during some periods of their administration, they doubtless influenced him in this particular connection. Except for vague references to the existence of homicide, to inconvertible cattle, and the warlike character of the Shilluk, I know of no precise mention of this subject in early literature.

Blood feuds and inter-settlement fighting

Shilluk settlements have certain distinctive characteristics including the association of age-set names and the ritual of the age-grade system within the settlement. Although now fast disappearing, and no longer of great significance owing to the repressive policy of the Government, the primary function of the age-grade organization seems to have been military.[1] Hofmayr on this subject says:

> Every man is a soldier and literally always under 'arms'. Every Shilluk who has ceremonially danced, is a warrior as long as he is able to bear arms. They form groups. Every settlement is independent with its own *bany* (principal singer and president). Different settlements combine and rally forth under the leadership of the eldest *bany* against their powerful enemies.[2]

The *bany* or *bang*[3] is, within the settlement, the leader of organized hostilities, which have been frequent between Shilluk settlements. His function in this connexion is brought out again and again in official documents and the attitude of the Administration has throughout been hostile. We read, *inter alia*, in the records of the Shilluk Chiefs' Council that: 'The *reth* is opposed to them all as a subversive influence, but there are evidently some Chiefs who are afraid of them. Young *bany* who give trouble shall be punished and turned out.'[4] Again, in 1947:

> A *bany*, or war-lord in Shilluk, is a social institution which has been forbidden for ten years in Shilluk country, and the ban is well known. . . . The *bany* . . . is essentially a leader of the youth of a section, i.e. the warrior class. It is said that in the old days, when there was little public security and each section had to look after itself, the *bany* was a useful functionary, and in so far as he co-ordinated the warriors of a section this was doubtless so. Now, any 'class consciousness' on the part of the warriors must have an aggressive tendency as it can

[1] Howell, op. cit., p. 13.
[2] Hofmayr, op. cit.
[3] Cf. the Dinka word *bany* or 'expert'—though among the Shilluk the term is restricted to the age-set leader, whose duties are primarily military. See also Howell, op. cit., p. 60.
[4] Records of Shilluk Chiefs' Council meeting 1934 (unpublished).

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667 691 [631] described as feuds, for they amount to civil war; the latter are usually so quickly composed that the feud is soon over. The ultimate aim of the feud is successful deposition of the monarch by one side or his retention by the other, and there is evidence of a traditional, almost institutionalized, opposition between the north and south.[1] In the latter form of hostilities the desire for peaceful composition after an outbreak of violence or an act of homicide was presumably fostered by expediency, for within so compact and densely populated a territorial unit the continuance of a feud would be inconvenient.[2] Local lineages within a settlement are sufficiently united by common interests in economic activities, by marital ties, and above all in common defence against aggression from other settlements, that these sanctions were, and indeed still are, particularly effective. These distinctions are important, for not only are feuds between adjacent settlements often formly sustained, as we have seen, but it is at this [628] 693 level of internal disruption that the intervention of the *reth* is most obvious, if we are to accept the evidence of recorded instances. This is true whether we take the view that in the past, before Government influences were effective, the king's intervention took the form of arbitration demanded by the participants, or whether we take the opposite view that he took repressive or even legal action as the head of an organized State.

In the case of civil war over the throne itself, the *reth* was the leading participant defending his personal position against a rival. Action against him was *ultra vires*, though this was no longer true as soon as his rival was established on the throne. In the case of homicides within a settlement, the sanctions were probably [626] sufficiently forceful to secure amicable composition without either external arbitration or repression. We must, therefore, consider homicide in the context of inter-settlement feuds in which, as we shall see, the *reth* was more particularly involved in the role of peacemaker. It will then be necessary to consider the more individual aspects of the laws of homicide.

The Reth's Role in the Composition of Inter-settlement Feuds

643 On this subject the Seligmans say:

● 682 692 *As the fountain of justice, the king kept for himself by far the greatest part of the fines for homicide and other grave offences. The fine for man-killing was usually ten head of cattle, but sometimes more was levied; a girl might be taken in lieu of the cattle, when the king would allow the girl to marry, but would keep the bridewealth; or a girl and a boy might be kept as hostages by the king until the cattle were paid. The king might give one head of cattle to the family of the deceased as compensation; this, however, did not always settle the matter, and a blood feud might start and be continued until the balance of dead was even, often not only families but whole villages becoming involved.*[1]

the Nyi-ok Dinka or any two are in this respect closer to the Shilluk than to the Nuer.

[1] See Evans-Pritchard, *op. cit.*, p. 69.

[631] [2] Latent hostility between kinship groups within a settlement sometimes prevailed. I recently drove with the *jago* of Ogud Pur from his home in the extreme north of that settlement to his northern boundaries. He insisted that I should drive him back, presumably because he preferred the comfort of a motor car to his own feet, but he gave as a reason that his people were at feud with the *kwe* Omun lineage lying just to the north of his own village (an act of homicide had occurred two years before). It may be noted, however, that the villages of these *kwe* Omun are not in Ogud Bum which is, in a sense, a separate settlement territorially but not politically within the boundaries of Ogud Pur. It is doubtful whether a feud between these people would be long sustained.

[1] *Pagan Tribes of the Nilotic Sudan*, p. 46. The authors make no reference to the evidence from which these deductions were made. It must be remembered that Seligmans supported the view that the king had absolute power. 'In the old days his word was law.....' *The Cult of Nyakang and the Divine Kings of the Shilluk*, Wellcome Report, 1911.

There are also scattered references by Hofmayr, who writes:

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When the number of dead and wounded is equal on both sides, they stop fighting; then the king will hold a Court and punish the party who is in the wrong. . . . In the case of mortal wounds, the penalty is an ox. In the case of deaths, ten head of cattle have to be paid and formerly a maiden instead of the cattle. This heavy fine is paid to the king who in return would give two or three oxen to the family of the deceased for the mourning dance.

Later, talking of the reign of *reth* Kur, he says:

Two villages, Bel and Pelwo, were fighting over a beautiful maiden. There was much blood shed on both sides. The king were to Pelwo and at night time he occupied the village. Next morning he sat in Court and took all the cowmasters and cattle away from the village, even the chicken of the village. As he favoured Bel, he never did anything there.[1]

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Westermann, whose information is least reliable, states that:

Murder cases were tried by a court of chiefs and the king. If a man was condemned, he was disgraced in many ways before the people. Sometimes he was led about the village with a cow rope around his neck, and then executed by hanging. If a man was executed on account of a crime, his whole family and everything he possessed became the property of the king.[2]

and also that:

In the case of certain infractions of the law the convict became the slave of the king, and could no more return to his home. These slaves are known as *tyen ocak* (' man of crime ') or *adwe* [' slaves " of the Royal Household].

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Apart from a description of a peace ceremony performed by the *reth* published by the Reverend D. S. Oyler, which will be discussed later, there are few references in published literature to homicide and the settlement of blood-feuds among the Shilluk. Naturally enough, administrative records contain frequent references to the subject because the Administration has been much concerned with the matter. Pumphrey, who was perhaps best qualified to weigh the evidence, unfortunately does not describe the procedures in detail nor record actual instances.

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A full description of a peace ceremony between the warring settlements of Dwani and Thwaro already mentioned was recorded in the Shilluk District files by Major G. W. Titherington in 1931. He writes as follows:

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A peace ceremony was celebrated by the *reth* of the Shilluk between the settlements of Dwani and Thwaro on their traditional battle-ground on 2-3-31.

This feud is the most bitter and bloody of modern times and in about twenty years probably some fifty casualties have occurred in fighting and by retaliatory murder, and the numerous attempts to stop it have failed. Peace had been in the air since the Shilluk Chiefs' meeting in January, and, all preliminaries having been agreed to, the *reth* arrived to stay with the local Chief on February 25th. He saw all Chiefs and Headmen concerned on March 1st and 2nd. He then went to Thwaro where the Court Chief brought a guard of about one hundred spears. These were in formation and fully armed, but in undress and without shields. The four Thwaro companies took about an hour and a half to get assembled. There were about five hundred men on parade and (by then) all fully equipped, drums and kudo horns were in full blast and everyone in a much sweat and vast excitement. The *reth* addressed them briefly and they replied that they wanted peace. He got them on the move,

[1] Hofmayr, *op. cit.*

[2] Westermann, *The Shilluk People*, 1912, p. 180.

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among the Shilluk that he was empowered to suppress internal feuds, that he actually did so with the assistance of an army of mercenaries, and that, though the punishments inflicted on the guilty sections of the community were severe and included seizure of property and the enslavement of the guilty parties, little resistance was shown. At the same time, there are five examples cited in Shilluk tradition which date back to days earlier than the first alien administration. Such methods resemble the methods employed by those who were used as agents in Turkish times to maintain some kind of order. They are also reminiscent of Arab procedures, and it must be remembered that the Shilluk were influenced by Arab customs.[1] They are in keeping also with the methods employed during the Mahdia.

On the other hand, it is quite clear that the *reth* has always had recognized functions as an arbitrator in blood-feuds. These functions are both purely secular, in the attempt to reconcile warring factions, and ritual, in the removal of prohibitions raised in feuds.[2] It is more than probable that in early days the *reth* would take no action unless he was certain that the two parties wished for peace. In Titherington's account we have that, 'The *reth* walked among them and kindly addressed them and they answered that they wanted peace. . . . The taboo on the families at feud eating together, is removed by the *reth*.'[3]

Hofmayr says: 'When the number of the dead and wounded on both sides is equal, they stop fighting. The King will hold court and punish the offender who is in the wrong.' The idea that feuds cease when the participants are tired of fighting and of a perpetual state of insecurity is stressed again and again in reports. It is at this point that the *reth*'s intervention is accepted, and it seems to me doubtful whether he would normally intervene in any other circumstances.

Indemnity for Homicide

The present recognized indemnity for wilful homicide among the Shilluk is ten head of cattle. There have been frequent attempts by the Administration during the course of the last thirty years to raise this number, so a decrease, but these attempts do not appear to have been either effective or generally accepted by the tribe. The traditional number demanded is also in doubt. Thomson, in an unpublished report, says: 'In the past blood-money for a killing was ten head of cattle to the deceased's family and ten to the *reth*. Later it became ten to the deceased's family, five to the *reth* and five to the Government. It is now (since 1931) ten head of cattle to the family of the deceased only.' I have sometimes heard it said that in *reth* Fadiet's time (1903–17) it was only seven head,[4] but it was raised to twenty, of which the *reth* took half, by orders of *reth* Fadiet when he first succeeded to the throne. It is also said that in the old days a girl was sometimes handed over instead of cattle, and although intermarriage between people at feud is considered wrong unless the full peace ceremonies have been completed, this girl was taken in marriage by one of the kinsmen of the dead man. If, by reason of some kinship relationship with the deceased, she fell within the prohibited degrees of marriage, she would be accepted as a

[1] Cf. The Baggara Khors: Lehi, whereby several tribal segments would band together to punish wrongdoers, seizing their possessions, which were handed over to the deceased's family.

[2] Such as the prohibition on eating together and on intermarriage.

[3] Titherington, unpublished records.

[4] Sometimes quoted as being current in *reth* Kur's time (deposed 1903) too.

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daughter, would marry out of the lineage, and her bridewealth would be used to marry a wife from elsewhere. I can quote no actual instances of this custom, but it is in keeping with Shilluk ideas, and I believe is to have been common in the past. The indemnity is known in Shilluk as *rel dhom*, ' the replacement of a man '. Although the Shilluk do not have an institution comparable to the Nuer and Dinka custom of ' ghost-marriage ',[1] they certainly consider that the continuity of the kinship group must be assured and the acceptance of an indemnity is primarily directed to this object. A wife married with ' blood-cattle ' is called *nya rel dhom*, ' the girl in place of the man '; and although she is not married specifically ' to the name of the dead man ', as would be the case among both Nuer and Dinka, the principles are the same. The primary intention in accepting such payments in cattle is therefore to marry a wife into the dead man's lineage, or to acquire a girl who will either be taken in marriage or received as a daughter from whom bridewealth may be expected. Since bridewealth among the Shilluk is more or less rigidly maintained at ten head of cattle, it is logical that the indemnity for homicide should also be ten.

Among many Nilotic peoples in the past there were different rates of compensation for the taking of human life according to the station of the person killed. Among the Shilluk a greater differentiation might be expected, but there is little evidence of this, though Shilluk themselves say that to kill a member of the royal clan would be a serious offence and in the past was likely to call forth a punitive expedition by the *reth*. It is significant that *Hofmayr* says: ' To wound a royal prince or princess, or a royal daughter or son of a prince, whether it happens accidentally or intentionally, demands a high penalty for the shedding of royal blood (*e nwom*). In 1911 a boy accidentally injured a royal daughter with a spear and caused only a slight flesh wound. He had to pay six head of cattle (two or three to the king, one to the mother of the girl, and one to the Chief of the village).'

There is normally no distinction in the amount of compensation demanded for the death of a woman. A husband who kills his wife is not expected to pay compensation if he has completed the bridewealth payments. When a woman kills someone, her father or legal guardian is held responsible if she is unmarried; a husband is responsible for the actions of his wife.

As among other Nilotic peoples, when homicide is a joint action, the first man to cause injury to the deceased is held to be responsible for his death.

In the peacemaking negotiations described, the ritual acts and ceremonial procedures are reminiscent of those performed by the ' Leopard-Skin Chief ' among the Nuer, and the ' Chief of the Spear ' among many Dinka tribes. These similarities are seen in the public ceremonies rather than in the special ritual performed to release the killer of the spiritual contamination which is believed to follow an act of homicide; this is not surprising, since obviously the *reth* could not deal individually with every killer. Further, it is customary for these functionaries among both Nuer and Dinka to take a small proportion[2] of the ' blood-cattle ' in return for their services;

[1] See Evans-Pritchard, *Kinship and Marriage among the Nuer*, pp. 109–10. Oxford, 1951.

[2] Mr. J. L. Baker tells me that children born in such circumstances are known as *ebit ee ebit* (attending to self) which means literally '*father dead*'.

[3] For example, out of a total varying between twenty and forty head of cattle, the Nuer *kuar kwa* takes the *yang kwoai* to ensure that his services early on in the negotiations for peace, the *reath rum* (' bull calf of blood ') and *yang kwa* (' cow of the leopard-skin '), besides two oxen which he receives at the ceremony. In some parts of Nuerland these maybe

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some of the beasts are sacrificed during the ceremonies and others are added to their personal herds. One must, therefore, beg the question whether those portions alleged to be the right of the *reth* were ritual fees of this nature rather than 'fines' as is so frequently stated. It is a question of interpretation, and I suggest that even though successive *reths* and the exaction of 'fines' may have occurred, with the backing of foreign Governments, during the latter half of the last century and the early years of the present Administration, the payments were ritual in origin and conserved the *reth*'s ritual functions in a new way. The use of the word 'fine' appears to me to be inaccurate.

Ritual of Purification for Homicide

As among other Nilotic peoples, a Shilluk who has killed another must perform certain rites to cleanse him from impurity which might otherwise affect his kinsmen. This process involves, first, the letting of blood, which is carried out by a magical expert (*ajwogi*)[1] who makes a small incision on his right shoulder with a spear. This is known as *tai dhat*. Secondly, a small sacrifice is made (usually a sheep), the object of which is to remove the curse of the dead man's spirit. As among the Nuer and Dinka, the killer is not expected to eat or drink until this ritual has been performed.

Accidental Killing

Accidental killing (*agwoy*) is apparently not regarded as a serious offence among the Shilluk, especially if the two parties are connected by kinship or by close association in one territory. Hofmayr says: 'Accidental killing requires only the sacrifice of an ox at a peace ceremony and no more.'[2] District records indicate that two head of cattle sometimes were paid. At the Shilluk Chiefs' Council in 1934 it is recorded that 'the Council do not know whether there is a definite law on this subject or not. The *reth* says that years ago it was two head of cattle, one to the relatives of the dead man, one to the *reth*. He himself suggests two head of cattle to go to the deceased's family. This is confirmed as law.' I do not think that any such fixed indemnity existed in the past, but that intention was recognized and accident accepted in mitigation of the offence. At any rate the indignation of the deceased's kinsmen would not be so acute, and they would be prepared to accept an indemnity less than that normally demanded for intentional homicide.

Bodily Injuries not causing Death

On the subject of bodily injuries less than death, the evidence is even less reliable than on homicide. It is evident that such injuries require the payment of compensation if retaliatory action is not to follow. At the same time it is perhaps surprising that among the Shilluk, unlike the Nuer and Dinka, there are no recognized injuries for which compensation is given on a definite scale. We hear that 'for injury' an immediate payment of one bull must be made as a guarantee of good faith. Subsequent settlement is made on a scale regulated by the severity of the ultimate damage and rising, in the case of blinding, to the same rate as for death. Apart from the problem of the *reth*'s intervention in matters of this sort, it may be assumed, in the absence of

amount to eight cattle out of a total of forty.

[1] *Ajwogi*: Magical expert or specialist. These persons are not comparable to the Nuer functionaries, such as the *kwar kwar*, but to the possessors of spirits (*guan kwath*). *Ajwogi* is a derivative of *Jwok*, meaning God in Shilluk.

[2] Op. cit.

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a basis for definite conclusions. It is, however, probably safe to say that among the Shilluk homicide is a private delict requiring the restoration of equilibrium by the payment of compensation in cattle. The main object of such payments is to marry a wife into the kinship group of the deceased—rather than individually to the name of the deceased—and thus ensure its continuity and increase, which have been interrupted by the removal of one of its members. Retaliatory sanctions are also operative, in that the duty to take vengeance on the person of the killer or one of his kinsmen is recognized.[1] In principle, there are here no profound differences between the Shilluk and their Nuer and Dinka neighbours. The rate of compensation is governed by the relationship between the parties and thus the offence is subject to social range. Patricide and fratricide, regarded as the gravest possible offences against the integrity of the kinship group, are subject only to supernatural sanctions. These apply within the local lineage in lessening degree according to the relationship between the persons concerned, and the ritual expiation is known in Shilluk as '*cuila ji kipo rwno*'.

We cannot, however, entirely ignore the strong tradition which prevails among the Shilluk and the views of early writers, that the *reth*, as ultimate authority, had the recognized power to intervene, to enforce such payments and, moreover, to exact additional payments in person and kind amounting to fines which he seized for himself. If we are to believe these traditions, we must conclude that public action against warring factions, whose continued enmity was disturbing the peace of Shilluk society as a whole, was sometimes undertaken. This does not, in my opinion, alter the argument that individual acts of homicide were treated as private delicts involving primarily the restoration of equilibrium between the units of society concerned. If, however, the portions alleged to have been taken regularly by the Shilluk *reth* are regarded as 'fines' paid to the head of the State (though in my opinion this is a wrong interpretation), then homicide among the Shilluk appears to be in a transitional stage between a private and a public delict, and was so even prior to the introduction of penal sactions by the present Government.

[1] Pumphrey observes: 'It is interesting that where a compensatory payment for killing is due (in contrast to compensation for lesser wrongs) the net is cast wider and not only the lineage, but even members of other lineages of the same clan are expected to contribute.' Op. cit., p. 23.

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672 845 847 fears to trust his relatives-in-law lest they yield to the pleadings of the mother, and so he sends a messenger to see that the child is killed. Should the father permit the child to live, he is responsible for all the evil done by him. If the father is present, he gives immediate judgment, and if it is for death, the sentence is carried out immediately.

845 847 The helpless child is always killed in a certain way. A little basket is woven, and the child placed within, and then the top is also woven shut. The basket is then put in a boat, and taken to the middle of the river, where it is committed to the water. The basket is a necessity, as they think that the powers of the babe are such that without the basket to restrain him he would immediately swim ashore, and escape.

842 845 When the evil medicine man is not killed, his mother loses the power to become a mother again, and when she weeps for the death of the little one, her next child will be deformed in the same way.

682 If the father spares the child, and someone else kills it, the murderer must suffer the usual punishment for murder, which can usually be atoned for by a fine.

754 627 683 After an evil medicine man has reached maturity, he can not be openly killed except under certain conditions. The people of his village may tire of his evil practices and conspire to kill him accidentally. To accomplish that end they invite him to join them in the chase, and they manage to get him well to the front. When he is in the right position, they all throw at the animal, but he is their real target. When he falls, the men all cry out: "an accident", and no one is responsible for his death. They do not seek to kill such a person in their local fights lest their own side be thrown into disorder.

754 This occult power is not hereditary, but many think that the mother of an evil medicine man has some occult power, if her husband is not of that class. She does not work as the men do, and the majority seem to think that such a mother is not tainted.

The evil medicine man always works on his own initiative, and never at the request of another, and for that reason he never receives fees. He uses as his tools, owls, snakes, eggs, sodom apples, lizards, and crows. The medicine or power in these agents is the same as the power belonging to the man, and in action unite with his power to work evil.

17: Pumphrey G-5 (1934-1938) 1941
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565 614 644 [643] the rules of exogamy the *Ororo* are considered as a *Collo* clan and can intermarry with the *Kwar Reth* as well as with any *Collo* clan other than their own. The *Reth* always has some *Ororo* women among his wives and it is traditionally they who smother him when his powers of procreation are failing.

THE COLLO.

565 The *Collo* comprise the aggregate of subject clans whose various origins are for the most part obscure. A few trace their descent from those who accompanied Nyikang from the neighbourhood of Wau.[22] Others, also few in number, purport to be descendant from Nyikang's collateral relatives.[23] Many claim a mythical origin. Others[24] are avowedly accretions, others[25] again being descendants of the prior inhabitants of the country.

BANG RETH.

565 644 [727] [735] [614] It has already been described how the *Reths* used to keep order in the tribe and how they enriched themselves in the process. With this wealth of cattle they maintained what was an important part of their pomp and executive, namely a large body of retainers knowns as *Bang Reth*. These were recruited in various ways. Originally the main source was captive enemies. In later and more peaceful times they were recruited by voluntary enlistment of those who found themselves in poor circumstances and unable to raise the necessary cattle to marry. Such persons, from the moment they became *Bang Reth*, severed all connexion with their own clan and became the *Reth's* men, pledged to assist him in various ways such as building, tending animals and odd executive duties and receiving in return cattle with which to marry. One method of recruiting *Bang Reth*, which is [682] of great interest in that it shows that there was an idea of certain wrongs

22. *e.g.*, *Kwar* Abogo, *Kwar* Muol, *Kwar* Nyilong and *Kwar* Ojul.
23. *e.g.*, *Kwar* Jur, *Kwar* Othou and *Kwar* Okel.
24. *e.g.*, *Kwar* Jung (who were originally Dinka).
25. *e.g.*, *Kwar* Oman (of Ogod).

17: Pumphrey G-5 (1934-1938) 1941
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being crimes against the community, was that in cases of homicide the murderer (or his brother if the murderer was uncaptured) was compelled to become a *Bang Reth*.

Relations between a *Reth* and his retainers were friendly, nor does the treatment of these who were enslaved as a punishment appear to have differed from that of those voluntarily enlisted. The custom was for the retainers of each *Reth* to make a village for themselves near Fashoda. There they would live until the *Reth* died. The *Reth's* body would then be taken to this village and sealed up in a house where it would remain until entirely decomposed. Only then would the bones be removed by his retainers and buried in his original village. Some of the dead *Reth's* retainers would then move to the village where he was buried and their descendants would there remain with the perpetual obligation of tending his shrine. Others would remain at their village near Fashoda and would have no further obligations to the memory of their dead patron except that they and their descendants would for ever be known as "*Bang Reth Kwadhker*" or "*Bang Reth Nyakwac*" or as the case might be.

The retainers of a particular *Reth*, having severed connexion with their own clan, became a fictitious clan in themselves. As such they cannot intermarry, though there may be no relationship of blood. Nor could a *Reth* marry a daughter or sister of one of his retainers. A *Reth* would address the daughter of a retainer as *kwara* (my granddaughter) which well indicates the relationship subsisting between them.

Under the present regime, partly because the Government has frowned upon the practice and partly because the *Reths* are now deprived of their previous source of wealth, the *Reth* has none of these traditional retainers. To-day the *Bang Reth* comprise the descendants of retainers of previous *Reths*. In some cases they have removed themselves to a new locality but in any case they remain for ever *Bang Reth* "A" or *Bang Reth* "B" (in accordance with the name of the *Reth* their ancestors served) and never rejoin their original clan.

When a *Nyireth* was planted out the *Reth* used to send to live with him a few of his own retainers who became *Bang Nyireth* and

17: Pumphrey G-5 (1934-1938) 1941
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beings have no motive power other than divine impulse. They are moved always by God. Thus *yi kal Juok* (you have been brought by God) takes the place of *yi bi* (you have come) which is a normal form of greeting among friends.

When the conversation relates to or is being carried on with the *Reth* himself, more complicated modifications are necessary. Objects used by the *Reth* are called differently from their normal names. There are many examples, most of which have been given by Professor Westermann. It is interesting that the names which objects assume owing to their association with the *Reth* are always names of similar but inferior objects. Thus his beer is called "water," his donkey is called his "dog," his spear is his "stick" and, strangest perhaps of all his head is his "pebble."

Elaborate circumlocution is necessary when enquiring about childbirth. A married woman can hardly be asked if she has children or how many had she got. Even a husband should not be asked outright whether or not his wife had produced him children. The husband will be asked "has your wife found something small?" or "has your wife been helped by God?" It is also very bad manners to ask a woman what is the name of her husband.

These conventions might lead one to suppose that matters of sex were regarded as delicate *per se*, but this is hardly the truth. Outside wedlock there is no nicety. An unmarried girl will be asked with brutal frankness "*yi yaci men*" ("you were made pregnant by whom?") and here the word is the same as that used in talking of domestic animals. The inference is that delicacy is required not because the subject relates to sex but only if and when it touches upon the marriage tie.

No one can deny that the Shilluk are by our standards brutal. Their code dictates that a man may be killed for a man, quite irrespective of the victim's guilt provided only he is from the clan of the killer of the man avenged.

Their moral code, though peculiar, is definite and strictly observed. The marriage tie is not sacrosanct, but rape, as also prostitution, is almost unknown. Both are regarded with abhorrence.

28: Oyler M-5 (ca. 1918) 1918 FJ23 Shilluk FJ23

to keep the disease from entering. The mother is warned against looking back.

When a child cries persistently, with no apparent cause, they reach the conclusion that he is being drawn by one of the kings. The servant of the king is called, and given a fee of a sheep. The parents say they want to know, who is drawing the child. The first thing to do is to take cowrie shells, and string beads on them. Each shell has a different coloured bead. The shells are named for their kings, and also for the deceased grandparents of the child. One shell is also put in for the child. The shells are all taken in the hand, and thrown out on a skin. When they fall if another shell touches that belonging to the child, it is being drawn by the spirit of that king or person. The child is then given the name of the person drawing it, and a cure is effected. If at the first attempt no one is indicated the test is repeated until some one is indicated. All the people in the room then cower, and pray to the drawing spirit as the leader directs.

The servants of the king claim the power to converse with the dead. When a spirit is to be called the medium goes into the house with the relatives. She goes to one corner of the room and retires behind a screen. The door is closed to make the room dark. She then takes a gourd with some grain in it and twirls it to make a noise that will call the spirit of the departed. The spirit of the king then takes powerful possession of the medium, and she speaks in a peculiar voice. The usual thing is for the spirit to greet the assembled people, and they reply. The spirit then says: «Where I am it is nice, but I was killed by a certain person (naming him) or I would not have died.» The death was caused by a charm cast on the victim. «I will kill that man, do not quarrel with him. When I finish greeting you I will return.» Sometimes such a message causes the relatives of the deceased to try to kill the one who cast the charm.

An instance of their working is often given in this community. Two men made a trip to the Nuer country. On the return trip one of them, named Shol, was separated from his companion. The other man concluded that he had been killed by a lion, and returned with that report. The people of the village mourned him as dead, but they waited two months. Then a servant of the king was called. She went through the usual forms, and then exclaimed: «Ah the man». The spirit greeted the people, and

29:Dempsey M-5 (1940-1954) 1955
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by the Egyptian rulers of the country during the nineteenth century, but it was never accepted by the Shilluk.

One of the first steps taken by the new government towards the settlement of the Shilluk was the deposing and exiling of the king, Kur, whose conception of the royal duties and prerogatives boded ill for the health and well-being of such of his subjects as chanced to cross him in his wrath or thwart him in his desires. Hitherto many a Shilluk Urias or Naboth whose comely wife or humble possessions had aroused envy in the royal breast, had paid for it with his life. The tribal history even recounts that one king killed his wife because she could spit further than he could! With the removal of Kur, however, there went too the King's arbitrary power of life and death over his subjects, and although the government of the country and the administration of justice was still largely left in the hands of the king and his chiefs, it was henceforward to be administered under the eye of the local British officials.

The powerful position and the respect which a Shilluk king enjoys are not, however, without their price. The saying that 'Uneasy lies the head that wears the crown' may be trite, but it is true; with the pomp and circumstance of the royal state go the cares and worries of government which have undoubtedly caused monarchs many a sleepless night. But although the burden of their office may have been accepted as the price to be paid for its power and glory, and although too there are numerous instances in history of the wearer of the royal diadem dying at the hands of the assassin or the public executioner, still it is not the generally accepted thing that he must thus inevitably perish, and that to assume the purple is in effect to sign his own death warrant. Yet that is the way with the king of the Shilluk. As I said above, upon the physical and mental fitness of the king is deemed to depend the well-being of the whole people, and any weakening of his bodily powers or impairing of his mental faculties means that he must be put out of the way, so that the country may flourish under a more lusty and vigorous ruler. Moreover, it is the recognized right of any potential

29:Dempsey M-5 (1940-1954) 1955
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king, that is, the son of a former king, to attempt to kill the reigning king and seize the power for himself. The king is, as it were, considered fair game for anyone who, provided he has the requisite credentials, considers himself strong enough singlehandedly to take the life and the title of his lord.

Uneasy then, indeed, is the head which wears the Shilluk crown, for the owner may wake to feel throttling fingers encircling his throat, or heavy folds of cloth muffling his face, or, should he have any reason to think that a pretender seeks his throne, may spend night after night in unwinking vigil, divested of clothes and ornaments which might betray his presence or movements, carrying a blackened spear, prowling ceaselessly around his own village, pausing where the shadows are darkest, magnifying each noise of the night and interpreting it as the stealthy approach of a marauder intent upon his life. I must confess that I have never heard of an attempt being made upon the life of the king by a would-be usurper in recent years, but it would appear that the possibility is always present, and it seems that an attempt to assassinate King Papiti was made about 1930 by a son of the deposed king, Kur. During the past ten years three Shilluk kings have died, and although there is no certainty that any one of them was violently 'assisted' to die, there is equally no certainty that he was not.

643 731 [775]

Once the king is dead, either from natural causes or otherwise, a great disquietude and uneasiness settles on the country. Officially 'the land has ceased to be'; the spirit of Nyikang has lost its dwelling place and the country and the people have temporarily lost their protector. All manner of evils may fall on them; famine, pestilence, invasion, and—what comes nearer home and is always a potential danger during the interregnum—civil war may break out should any one of the nyireth who has a sufficiently strong following make a bid to seize the throne for himself. Hence, after the death of a king, the election of his successor is proceeded with as quickly as possible, but it is only with his inauguration, about a year afterwards, that the shadow of disaster is lifted and the land may be said to live again.

29:Dempsey M-5 (1940-1954) 1955
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691 but he now makes it plain that he wouldn't have her as a
583 gift, and indeed has made overtures to another lady, so
422 please may he have his cattle and—just to make things a little more complicated—the calves that they have had, and can he have them at once since his new prospective father-in-law is getting a little nasty about the lack of dowry, and hinting that his daughter's affections may easily be bestowed elsewhere. 'Not quite so fast,' says number two, 'those cows are mine and mine only and quite obviously their calves are mine too, so kindly arrange for the immediate delivery of the same.' Father pours ridicule and scorn on both claimants to the calves. It is true, he admits, that both young men have some sort of a claim to cattle—which he will settle by and by when he gets a bid for his youngest daughter at present crawling round the floor—but for either of them to claim the calves is preposterous; surely they belong to him who has had all the trouble of herding the beasts; to his skill and industry in nursing the cows through the difficult time of calving is due the fact that there are any calves at all! And so the arguments and counter arguments, taunts, recriminations, insults and threats will be tossed back and forth. Tempers will rise and maybe sticks will be flourished and spears flashed. It can happen that one of the parties will work himself into a blind passion and regardless
• [682] of the consequences may break his adversary's skull or thrust his spear into him, but generally, fear of reprisals from the clansmen of his opponent and the justice that will certainly be meted out to him by the white man in Malakal, should he survive long enough to be arrested, advises caution; and since none of the contestants is strong enough to take by force what he considers to be his by right, the dispute is eventually, albeit reluctantly, brought up before
[634] the district chief.

695 Reluctantly, I say, because the litigants know full well
693 that whoever is going to lose by the decision of the court, the judge isn't. The plaintiff may marshal his facts with unassailable logic, clothe them in masterly oratory, and present them with crystal clear lucidity. He and his witnesses may even

29:Dempsey M-5 (1940-1954) 1955
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be telling the truth, and therefore be quite unimpeachable, but he is aware that if the verdict is given in his favour it will be, not so much because of the justice of his claim and his forensic skill in presenting it, but rather because he has promised the judge a bigger 'fee' than his opponent has.

Among the Shilluk the Christian precept of forgiveness of one's enemy does not obtain, but they follow rather the old Jewish principle of retribution for injuries inflicted, and although they will not literally demand 'an eye for an eye and a tooth for a tooth', there is a recognized scale of payment for all such injuries. The penalty for knocking a tooth out is especially severe, the aggressor having to pay the injured party a cow. For an offence against an unmarried girl, her father will claim three cows, and for adultery the fine is four cows. Woe betide the offender who refuses to pay up; he will be wise to keep clear of the district in which the injured party lives, for the relatives of the latter will most surely wreak their vengeance on his person. In the case of homicide, blood payment of ten or more cattle is demanded, quite apart from any penalty that the law may inflict, but sometimes the grief-stricken relatives of the dead person will fulfil quite literally the commandment 'The kinsman of him that was slain shall kill the murderer' (Num. 35: 19), and if perchance he is already in custody and out of their reach will exact vengeance on one of his male relatives. Then the family of the second victim will strive to vindicate their manhood by a raid on the other village and more killings may take place and the feud develop into a minor war, till such time as police can be got to the place and the culprits are arrested.

A grim instance of vendetta occurred in the Lul district a few years ago. A quarrel arose among some youths, tempers rose, a blow was struck and the unlucky recipient died. The aggressor was arrested and sent to Malakal for trial, but a few days later his home was raided and his father murdered as he sat defenceless at his supper. Before police could arrive from Kodok or Malakal, the village of the dead youth was

29:Dempsey M-5 (1940-1954) 1955
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763 sound that is prolonged for about ten minutes and is renewed at intervals during the day as relatives or friends of the deceased arrive for the funeral.

[166] I have said previously that the Shilluk are fond of wandering from their own villages. They will settle and live for years at the other end of the country, perhaps among the people of another tribe or in another province. But no matter how long a man has been away from his own people, he will always endeavour to return to die among them, and if he should fall ill whilst away from home he will try to let his kinsfolk know in order that they may come and fetch him, or will have himself carried back. If, however, he should die 766 away from home the news of his death is greeted with the customary wailing, and some member of his family must visit his grave and bring back some of the earth from it; this is buried near the dead man's home and the funeral ceremonies are enacted over it as though the corpse itself were present.

761 It is the Shilluk tradition that the king should not be ● 682 permitted to die a natural death, but should be ceremoni- [643] ously smothered by his womenfolk. The same is true of a chief, but whether the reasons for the killing in this case are the same as those which decide the death of the king is not clear. Certainly a chief who had been ill for a month and showed no signs of recovery would be speedily put out of the way. [888] The custom seems to extend to other cases too; an old man would be smothered as also would be one suffering from a long and painful illness, and the same is done too, in some cases at least, shortly before death would take place naturally. I myself saw a dying boy being smothered by his own mother. She propped him up between her knees and passed her hand over his nose and mouth. I thought that she was wiping away the mucus that was coming from his nose and mouth, and it was only when he had ceased to breathe that I realized to my horror that she had killed him. When questioned about the reasons for this 'mercy' killing the Shilluk are vague and evasive. They say, for instance, that it is a humiliation for anyone to die naturally.